

CIVIL NO. 1:99-CV-268

This document pertains to All Plaintiffs:

STEVE E. ASHE, and wife DEBORAH
ANN SCOTT ASHE; FRANK H. BARTON;
HOMER R. BLYTHE, and wife ANN ENGLISH)
BLYTHE; BEN BOLT, and wife FLORA MAE)
McCALL BOLT; SHIRLEY EUGENE)
BRACKEN, and wife ANNIE JO SHERRIL)
BRACKEN; FRED C. BRYSON, and wife)
MARY B. BRYSON; ALLEN E. CHAPMAN,)
and wife SANDRA FISHER CHAPMAN;)
JOHN C. CHAPMAN, and wife IVA LEE)
ANDERS CHAPMAN; DAVID H. CORN,)
and wife PHYLLIS BOWEN CORN;)
ROBERT H. CROWE, and wife MARIAN)
CROWE; RHONDA DEBRUHL, Administrator)
of the Estate of FRED DAVIS, Deceased;)
DANNY L. DUCKWORTH; JOHN D. EZELL,)
and wife AILEEN RODGERS EZELL; EDNA)
MAE FEWELL; SALLY R. FLETCHER,)
Individually and as Executrix of the Estate)
of CAROLL D. FLETCHER, Deceased;)
WILLIAM M. GADDY, SR., and wife MYRTLE)
N. GADDY; CLYDE C. GALLOWAY, and wife)
BELLE T. GALLOWAY; JAMES C. GOFORTH,)
and wife THELMA W. GOFORTH; CLAUDE S.)
GOODSON, and wife DARLENE GOODSON;)
ROBERT P. GRANT, and wife DORIS)
PATTERSON GRANT; LARRY W. GREGORY;)
WILLIAM H. HALL, JR., and wife WANDA)
D. HALL; WILLIE E. HARRON; THOMAS B.)
HEATON, and wife ELLA MAE P. HEATON;)
RICHARD L. HISSA, and wife PRISCILLA)
B. HISSA; MARILYN M. JARRETT,)
Individually and as Executrix of the Estate of)
DOUGLAS L. JARRETT, Deceased; MAGGIE)
C. KRIDER, Individually and as Personal)

Representative of the Estate of THOMAS)
KRIDER, Deceased; JAMES T. MAHONEY,)
JR., and wife BRENDA FAYE J. MAHONEY;)
ERNEST R. MANEY, and wife BARBARA)
GREEN MANEY; ARTHUR A. McCALL, and)
wife EDITH ENGLISH McCALL; BENJAMIN)
F. McCALL, and wife DONNIE VEE McCALL;))
FRANKLIN L. McCALL, and wife BETTY)
LAMBERT McCALL; JAMES D. McCALL;)
RUFUS S. McCALL, and wife MARGARET)
PAULINE R. McCALL; SHERRELL P.)
McCRARY, and wife VELMA EARLENE)
McCRARY; WILLIAM P. McKELVEY; BETTY)
N. MICHAEL, Individually and as Executrix of)
the Estate of JOHN A. MICHAEL, Deceased;)
JIMMY G. MILLER, and wife, LINDA)
GALLOWAY MILLER; BENNY L. MOONEY,)
and wife MILDRED RUTH H. MOONEY;)
WILLIAM L. MOONEY, SR., and wife BILLIE)
FARMER MOONEY; PATRICIA M. CROUCH,)
as Executrix of the Estate of TARLIE E.)
MOORE, Deceased, and BEULAH C. MOORE;))
PEGGY LOFLIN, as Administrator of the)
Estate of JAMES H. MORRIS, Deceased;)
GEORGE H. NEWMAN, and wife VIRGINIA)
H. NEWMAN; CARROLL F. OWEN, and wife)
CYNTHIA SPIVEY OWEN; MARY M. OWEN;)
PHILLIP E. OWENS, and wife DOROTHY)
LORENA W. OWENS; ROSCOE H. PONDER,)
and wife GRACE JULIE R. PONDER; JOE B.)
ROGERS, and wife JUNE ROGERS; REMUS)
L. ROPER, and wife SHIRLEY ROPER; PAUL)
D. SEAGLE, and wife LINDA M. SEAGLE;)
DOUGLAS G. SENTELLE, and wife CINDY)
SENTELLE; CHARLES N. SHOOK, as)
Executor of the Estate of VANCE F. SHOOK,))
Deceased; BRONITH SHOOK, as)
Administrator of the Estate of VANCE)
RANDALL SHOOK, Deceased; ETHEL IRENE)
J. SITTON, Individually and as Executrix of the)
Estate of ED J. SITTON, Deceased; NETTIE)
L. SITTON; BRUCE D. SMITH, and wife)
DELORES H. SMITH; ROBERT A. SMITH, and)
wife MARGORIE L. SMITH; BRADLEY H.)
SNIPES, and wife ELEANOR E. SNIPES;)

FRANK A. STEVENS, and wife RUBY IRENE)
STEVENS; RUTH G. SUMMEY, Individually)
and as Executrix of the Estate of CLYDE C.)
SUMMEY, Deceased; JUANITA W. WATSON;)
CHARLES E. WHITEMIRE, and wife BOBBIE)
JEAN WHITEMIRE; ALBERT W. WILLIAMS,)
and wife CAROLYN WILLIAMS; and THOMAS)
J. WOODS, and wife ALICIA JEAN WOODS,)

Plaintiffs,)

Vs.)

ORDER OF DISMISSAL

AMCHEM PRODUCTS, INC.; A. W.)
CHESTERTON, INC.; CROWN CORK &)
SEAL COMPANY, INC.; FOSTER WHEELER)
CORPORATION; GARLOCK, INC.; GEORGIA)
PACIFIC CORPORATION; METROPOLITAN)
LIFE INSURANCE CORPORATION;)
MINNESOTA MINING AND)
MANUFACTURING COMPANY, INC.;)
NATIONAL SERVICE INDUSTRIES, INC.;)
OWENS-ILLINOIS, INC.; RAPID AMERICAN)
CORPORATION; D. B. RILEY, INC.; CBS)
CORPORATION; ALBANY INTERNATIONAL;))
WEAVEXX CORPORATION; SCAPA DRYER)
GROUP, INC.; ABNEY MILLS)
CORPORATION; BRANDON DRYING)
FABRICS, INC.; INDUSTRIAL HOLDINGS)
CORPORATION, f/k/a THE CARBORUNDUM)
COMPANY; MT. VERNON MILLS, INC.; and)
ASTEN, INC.,)

Defendants.)

THIS MATTER is before the Court on the joint motion of the Plaintiffs and the Defendant Industrial Holdings Corporation, f/k/a The Carborundum Company to dismiss all claims against said Defendant.

Plaintiffs STEVE E. ASHE, and wife DEBORAH ANN SCOTT ASHE; FRANK H. BARTON; HOMER R. BLYTHE, and wife ANN ENGLISH BLYTHE; BEN BOLT, and wife FLORA MAE McCALL BOLT; FRED C. BRYSON, and wife MARY B. BRYSON; ALLEN E. CHAPMAN, and wife SANDRA FISHER CHAPMAN; DAVID H. CORN, and wife PHYLLIS BOWEN CORN; ROBERT H. CROWE, and wife MARIAN CROWE; RHONDA DEBRUHL, Administrator of the Estate of FRED DAVIS, Deceased; DANNY L. DUCKWORTH; EDNA MAE FEWELL; WILLIAM M. GADDY, SR., and wife MYRTLE N. GADDY; JAMES C. GOFORTH, and wife THELMA W. GOFORTH; CLAUDE S. GOODSON, and wife DARLENE GOODSON; ROBERT P. GRANT, and wife DORIS PATTERSON GRANT; WILLIAM H. HALL, JR., and wife WANDA D. HALL; MAGGIE C. KRIDER, Individually and as Personal Representative of the Estate of THOMAS KRIDER, Deceased; JAMES T. MAHONEY, JR., and wife BRENDA FAYE J. MAHONEY; ARTHUR A. McCALL, and wife EDITH ENGLISH McCALL; BENJAMIN F. McCALL, and wife DONNIE VEE McCALL; JAMES D. McCALL; RUFUS S. McCALL, and wife MARGARET PAULINE R. McCALL; BETTY N. MICHAEL, Individually and as Executrix of the Estate of JOHN A. MICHAEL, Deceased; JIMMY G. MILLER, and wife, LINDA GALLOWAY MILLER; BENNY L. MOONEY, and wife MILDRED RUTH H. MOONEY; CARROLL F. OWEN, and wife CYNTHIA SPIVEY OWEN; MARY M. OWEN; PHILLIP E. OWENS, and wife DOROTHY LORENA W. OWENS; ROSCOE H. PONDER, and wife GRACE JULIE R. PONDER; JOE B. ROGERS, and wife JUNE ROGERS; REMUS L. ROPER, and wife SHIRLEY ROPER; PAUL D. SEAGLE, and wife LINDA M. SEAGLE; DOUGLAS G. SENTELLE, and wife CINDY SENTELLE; CHARLES N. SHOOK, as Executor of the Estate of VANCE F. SHOOK, Deceased;

BRONITH SHOOK, as Administrator of the Estate of VANCE RANDALL SHOOK, Deceased; NETTIE L. SITTON; BRUCE D. SMITH, and wife DELORES H. SMITH; FRANK A. STEVENS, and wife RUBY IRENE STEVENS; JUANITA W. WATSON; CHARLES E. WHITEMIRE, and wife BOBBIE JEAN WHITEMIRE; and THOMAS J. WOODS, and wife ALICIA JEAN WOODS move the Court for an Order dismissing, without prejudice, all claims against Defendant INDUSTRIAL HOLDINGS CORPORATION, f/k/a THE CARBORUNDUM COMPANY.

Plaintiffs SHIRLEY EUGENE BRACKEN, and wife ANNIE JO SHERRIL BRACKEN; JOHN C. CHAPMAN, and wife IVA LEE ANDERS CHAPMAN; JOHN D. EZELL, and wife AILEEN RODGERS EZELL; SALLY R. FLETCHER, Individually and as Executrix of the Estate of CAROLL D. FLETCHER, Deceased; CLYDE C. GALLOWAY, and wife BELLE T. GALLOWAY; LARRY W. GREGORY; WILLIE E. HARRON; THOMAS B. HEATON, and wife ELLA MAE P. HEATON; RICHARD L. HISSA, and wife PRISCILLA B. HISSA; MARILYN M. JARRETT, Individually and as Executrix of the Estate of DOUGLAS L. JARRETT, Deceased; ERNEST R. MANEY, and wife BARBARA GREEN MANEY; FRANKLIN L. McCALL, and wife BETTY LAMBERT McCALL; SHERRELL P. McCRARY, and wife VELMA EARLENE McCRARY; WILLIAM P. McKELVEY; WILLIAM L. MOONEY, SR., and wife BILLIE FARMER MOONEY; PATRICIA M. CROUCH, as Executrix of the Estate of TARLIE E.

MOORE, Deceased, and BEULAH C. MOORE; PEGGY LOFLIN, as Administrator of the Estate of JAMES H. MORRIS, Deceased; GEORGE H. NEWMAN, and wife VIRGINIA H. NEWMAN; ETHEL IRENE J. SITTON, Individually and as Executrix of the Estate of ED J. SITTON, Deceased; ROBERT A. SMITH, and wife

MARGORIE L. SMITH; BRADLEY H. SNIPES, and wife ELEANOR E. SNIPES; RUTH G. SUMMEY, Individually and as Executrix of the Estate of CLYDE C. SUMMEY, Deceased; and ALBERT W. WILLIAMS, and wife CAROLYN WILLIAMS move the Court for an Order dismissing, with prejudice, all claims against Defendant INDUSTRIAL HOLDINGS CORPORATION, f/k/a THE CARBORUNDUM COMPANY.

For the reasons stated in the motion,

IT IS, THEREFORE, ORDERED that the joint motion to dismiss is **ALLOWED**, and the claims of STEVE E. ASHE, and wife DEBORAH ANN SCOTT ASHE; FRANK H. BARTON; HOMER R. BLYTHE, and wife ANN ENGLISH BLYTHE; BEN BOLT, and wife FLORA MAE McCALL BOLT; FRED C. BRYSON, and wife MARY B. BRYSON; ALLEN E. CHAPMAN, and wife SANDRA FISHER CHAPMAN; DAVID H. CORN, and wife PHYLLIS BOWEN CORN; ROBERT H. CROWE, and wife MARIAN CROWE; RHONDA DEBRUHL, Administrator of the Estate of FRED DAVIS, Deceased; DANNY L. DUCKWORTH; EDNA MAE FEWELL; WILLIAM M. GADDY, SR., and wife MYRTLE N. GADDY; JAMES C. GOFORTH, and wife THELMA W. GOFORTH; CLAUDE S. GOODSON, and wife DARLENE GOODSON; ROBERT P. GRANT, and wife DORIS PATTERSON GRANT; WILLIAM H. HALL, JR., and wife WANDA D. HALL; MAGGIE C. KRIDER, Individually and as Personal Representative of the Estate of THOMAS KRIDER, Deceased; JAMES T. MAHONEY, JR., and wife BRENDA FAYE J. MAHONEY; ARTHUR A. McCALL, and wife EDITH ENGLISH McCALL; BENJAMIN F. McCALL, and wife DONNIE VEE McCALL; JAMES D. McCALL; RUFUS S. McCALL, and wife MARGARET PAULINE R. McCALL; BETTY N. MICHAEL, Individually and as Executrix of the Estate of JOHN A. MICHAEL, Deceased; JIMMY G. MILLER, and wife,

LINDA GALLOWAY MILLER; BENNY L. MOONEY, and wife MILDRED RUTH H. MOONEY; CARROLL F. OWEN, and wife CYNTHIA SPIVEY OWEN; MARY M. OWEN; PHILLIP E. OWENS, and wife DOROTHY LORENA W. OWENS; ROSCOE H. PONDER, and wife GRACE JULIE R. PONDER; JOE B. ROGERS, and wife JUNE ROGERS; REMUS L. ROPER, and wife SHIRLEY ROPER; PAUL D. SEAGLE, and wife LINDA M. SEAGLE; DOUGLAS G. SENTELLE, and wife CINDY SENTELLE; CHARLES N. SHOOK, as Executor of the Estate of VANCE F. SHOOK, Deceased; BRONITH SHOOK, as Administrator of the Estate of VANCE RANDALL SHOOK, Deceased; NETTIE L. SITTON; BRUCE D. SMITH, and wife DELORES H. SMITH; FRANK A. STEVENS, and wife RUBY IRENE STEVENS; JUANITA W. WATSON; CHARLES E. WHITEMIRE, and wife BOBBIE JEAN WHITEMIRE; and THOMAS J. WOODS, and wife ALICIA JEAN WOODS against the Defendant Industrial Holdings Corporation, f/k/a The Carborundum Company are hereby **DISMISSED WITHOUT PREJUDICE.**

IT IS FURTHER ORDERED that the claims of SHIRLEY EUGENE BRACKEN, and wife ANNIE JO SHERRIL BRACKEN; JOHN C. CHAPMAN, and wife IVA LEE ANDERS CHAPMAN; JOHN D. EZELL, and wife AILEEN RODGERS EZELL; SALLY R. FLETCHER, Individually and as Executrix of the Estate of CAROLL D. FLETCHER, Deceased; CLYDE C. GALLOWAY, and wife BELLE T. GALLOWAY; LARRY W. GREGORY; WILLIE E. HARRON; THOMAS B. HEATON, and wife ELLA MAE P. HEATON; RICHARD L. HISSA, and wife PRISCILLA B. HISSA; MARILYN M. JARRETT, Individually and as Executrix of the Estate of DOUGLAS L. JARRETT, Deceased; ERNEST R. MANEY, and wife BARBARA GREEN MANEY; FRANKLIN L.

McCALL, and wife BETTY LAMBERT McCALL; SHERRELL P. McCRARY, and wife VELMA EARLENE McCRARY; WILLIAM P. McKELVEY; WILLIAM L. MOONEY, SR., and wife BILLIE FARMER MOONEY; PATRICIA M. CROUCH, as Executrix of the Estate of TARLIE E. MOORE, Deceased, and BEULAH C. MOORE; PEGGY LOFLIN, as Administrator of the Estate of JAMES H. MORRIS, Deceased; GEORGE H. NEWMAN, and wife VIRGINIA H. NEWMAN; ETHEL IRENE J. SITTON, Individually and as Executrix of the Estate of ED J. SITTON, Deceased; ROBERT A. SMITH, and wife MARGORIE L. SMITH; BRADLEY H. SNIPES, and wife ELEANOR E. SNIPES; RUTH G. SUMMEY, Individually and as Executrix of the Estate of CLYDE C. SUMMEY, Deceased; and ALBERT W. WILLIAMS, and wife CAROLYN WILLIAMS against the Defendant Industrial Holdings Corporation, f/k/a The Carborundum Company are hereby **DISMISSED WITH PREJUDICE.**

Signed: March 27, 2007

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

